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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/699,308      | 10/31/2003  | Tremitchell Wright   | US20030459          | 3931             |

7590 05/18/2006

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| EXAMINER |
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KHAN, AMINA S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|          | 1751         |

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|------------------------------|------------------------|---------------------|
|                              | 10/699,308             | WRIGHT ET AL.       |
| Examiner                     | Art Unit               |                     |
| Amina Khan                   | 1751                   |                     |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 27 February 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-50 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-50 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

**DETAILED ACTION**

***Terminal Disclaimer***

The terminal disclaimers filed on February 27, 2006 disclaiming the terminal portion of any patent granted on this application that would extend beyond the expiration date of Applications 10/957,486, 10/699,159, 10/698,920, 10/699,262 and 10/957,487 have been reviewed and is accepted. The terminal disclaimers have been recorded.

***Response to Amendment***

Regarding Applicant's amendments, filed February 27, 2006, claims 1-50 are pending, claims 1,3,4,6,9,10,11,15-17,19,20,21,23,24,27,28,34,35,37-40,42,44,45,48 and 49 have been amended.

With respect to Applicant's amendments regarding the 35 USC 112 rejections of claims 1-11,15,27,37 and 42-50

claims 3,15,16,27,37,38,44 and 45

claims 1-22 and 24-50

claims 6,7 and 17

claims 9,19,40 and 48

claims 24-34 and 42-50

claims 10 and 20

claims 11,21,34,45 and 20

claims 23,41,46 and 50

claim 35

and claim 23

the amendments have been fully considered and are persuasive. The 35 USC 112 rejections of the claims have been withdrawn.

***Response to Arguments***

Applicant's arguments, filed February 27, 2006, with respect to the double patenting rejections of claims 1 and 4 over application 09/520,653, now US Patent 6,451,066 and application 10/027,431, now US Patent 6,591,638 have been fully considered and are persuasive. The obviousness double patenting rejections of claims 1 and 4 have been withdrawn.

Applicant's arguments filed February 27, 2006 with respect to the 35 USC 102 rejection of claims 1,2,4,35,36 and 39 as being anticipated by Estes et al. (US 6,045,588) have been fully considered but they are not persuasive. The applicant argues that Estes et al. fails to teach or suggest washing adjuvants selected from a group of non-spark generating materials. The examiner respectfully disagrees because Estes et al. teaches washing adjuvants such as enzymes (column 3, lines 27-31) that are non spark generating. The burden is on the applicant to prove the adjuvants taught by Estes et al. are not spark generating substances.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3,16, 44 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. The claim language "conductive polymer" recited in claims 3,16 and 44 is unclear. The examiner is unclear as to what compounds comprise the group "conductive polymers". Appropriate correction of the claim language is required.

Claims 3,27,37,38,44 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim language "materials" recited in claims 3,27,37,38 and 44 is unclear. The examiner is unclear as to what compounds comprise the group "materials". Appropriate correction of the claim language is required.

Claim 45 is also rejected for being dependent on claim 44 and it inherits the same deficiencies as the parent claim 44.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4,35,36 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Estes et al. (US 6,045,588).

The prior art of Estes et al. teaches methods of cleaning comprising delivering a wash liquor comprising a substantially non-reactive, non-aqueous, non-oleophilic,

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apolar working fluid and a washing additive to a fabric load confined in a wash container and applying mechanical energy (column 2, lines 56-63) as claimed in claims 1, 4 and 39. The prior art further teaches that the washing additive be chosen from surfactants, enzymes, bleaches, deodorizers, fragrances, anti-static agents and anti-stain agents (column 3, lines 27-31) as claimed in claim 35. The prior art further teaches that the working fluid has the following properties: surface tension of less than or equal to 35 dynes/cm<sup>2</sup>; a KB value of less than or equal to 30; and solubility in water of less than about 10% (column 3, lines 1-6) as claimed in claims 2 and 36.

The prior art is silent as to the language "selected from the commercial group of non-spark generating materials" and do not explicitly teach the limitations of the working fluid "selected from the commercial group of non-spark generating materials" as recited in the instant independent claims. However, it is reasonable to presume that the working fluids "selected from the commercial group of non-spark generating materials" are encompassed by the prior art because the prior art teaches in its specification the same materials (perfluorocarbons, hydrofluoroethers, fluorinated hydrocarbons and fluoroinerts; column 3, lines 18-20) as taught in the specification of the instant application (perfluorocarbons, hydrofluoroethers, fluorinated hydrocarbons and fluoroinerts; page 13, paragraph 0129, lines 2-5) and the same properties of those materials as the instant application. The burden is on the applicant to prove otherwise.

In re Fitzgerald, 205 USPQ 594.

Accordingly, the broad teachings of Estes et al. anticipate the material limitations of the instant claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5,6,7,8,12-15,17,18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588) as applied to the claims above, and further in view of Evers et al. (US 2003/0097718).

Estes et al. is relied upon as set forth above. Estes et al. further teaches dispensing chambers for spray or mist delivery of wash liquor which comprises the washing additive (column 3, lines 25-50; Figure 3, #43) as claimed in claims 6-8,17,22.

Estes et al. does not teach methods of cleaning comprising water-in working fluid emulsions.

The secondary reference of Evers et al., in the analogous art of dry cleaning methods, teaches methods of cleaning first comprising a non-aqueous dry cleaning step, followed by a semi aqueous dry cleaning step comprising treating fabric with water a surfactant and a co-solvent (column 2, paragraphs 0018-0027) or reversing the treatment order.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dry cleaning methods taught by Estes et al. by incorporating a water-in working fluid treatment step as taught by Evers et al. because Evers et al. teaches the utility of applying low aqueous treatment steps to efficiently dry

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clean fabric articles. One of ordinary skill in the art would be motivated to combine the teaching of the references absent unexpected results.

Claims 9-11,19-21,24-26,28-34,42,43,45 and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588) and Evers et al. (US 2003/0097718), as applied to the claims above, and further in view of Fytle et al. (US 2004/0117920).

Estes et al. and Evers et al. are relied upon as set forth above.

Estes et al. and Evers et al. do not teach dry cleaning methods comprising sensing means.

Fytle et al., in the analogous art of dry cleaning methods, teaches temperature sensors (page 8, paragraph 0073), conductivity and humidity sensors and solvent moisture sensors (page 9, paragraph 0081; page 10, paragraphs 0092-0093).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cleaning methods taught by Estes et al. and Evers et al. by incorporating the temperature, solvent/moisture, humidity and conductivity sensing steps as taught by Fytle et al. because Fytle teaches the utility of sensing the above mentioned parameters to provide more efficient cleaning of fabric articles. One of ordinary skill in the art would be motivated to combine the teaching of the references absent unexpected results.

Claims 23,41,46 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Estes et al. (US 6,045,588), Evers et al. (US 2003/0097718) and

Fytle et al. (US 2004/0117920), as applied to the claims above, and further in view of Deak et al. (US 2005/0187125).

Estes et al., Evers et al. and Fytle et al. are relied upon as set forth above.

Estes et al., Evers et al. and Fytle et al. are silent as to the HLB value of the surfactants and do not specifically teach the instantly claimed limitation of 3 to 14.

Deak et al., in the analogous art of dry cleaning, teaches methods of cleaning with compositions comprising non-ionic surfactants with HLB values from 6 to 11.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the methods taught by Estes et al., Evers et al. and Fytle et al. by incorporating the surfactants taught by Deak et al. because Deak et al. teaches the utility of these surfactants in effectively dry cleaning fabrics. One of ordinary skill in the art would be motivated to combine the teaching of the references absent unexpected results.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Amina Khan*

Amina Khan  
Patent Examiner  
May 15, 2006

*Lorna M. Douyon*

LORNA M. DOUYON  
PRIMARY EXAMINER